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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

GENERAL COUNSEL

August 6, 1976

Honorable George Bush
Director
Central Intelligence Agency
Washington, D. C. 20505

Dear Mr. Bush:

Herewith, in accordance with the provisions of Executive Order No. 11030, as amended, is a proposed Executive order entitled "Suitability Requirements for Government Employment."

This proposed order, along with the enclosed summary and analysis, was submitted by the Domestic Council Committee on the Right of Privacy.

The draft order rests on two premises. First, for the vast majority of Federal positions, the Executive Branch does not need, and therefore should not collect, extensive background and other kinds of personal information. It indicates that the government's interest in what the order calls "general standard positions" is to assure that it hires and retains competent employees. In these positions the chance that employees will deliberately or inadvertently pose a significant danger to a national interest are so marginal that privacy and cost concerns demand that the government collect only enough personal information to make appropriate personnel and competency judgments. The proposed order establishes strict limits on investigative scope and methods and includes important new rights of privacy, notice and due process.

In its second premise, the proposed order reflects the belief that a select number of Federal positions involve activities that are extraordinarily sensitive and critical to the Nation's welfare. For these positions the public runs a significant risk that incumbents can deliberately

or inadvertently do substantial damage to critical national interests. In what the order calls "positions of special trust" the government not only has an interest in its employees' competence, but also in a complete range of personal attributes, including emotional and intellectual stability, trustworthiness and unswerving allegiance to the Nation. This proposed order strengthens Executive Branch capability to collect and use detailed personal information to make employment, retention and promotion decisions about individuals who fill these critical positions.

The proposed Executive order is intended to improve the ability of the Civil Service Commission in collaboration with OMB and the National Security Council to oversee operation of the system and hold participants accountable for abuses. The order establishes procedures to discourage investigations that are untimely, duplicative or mere formalities. In combination with changes in substantive standards, the system management provisions in this order should work to reduce the number of full field investigations, and ensure agency compliance with security, privacy and due process safeguards.

On behalf of the Director of the Office of Management and Budget, I would appreciate receiving your comments concerning this proposed Executive order. Comments or inquiries may be submitted by telephone to Mr. Ronald A. Kienlen (395-5600; IDS 103-5600). I will assume that you have no objection to the issuance of this proposed order if your comments have not been received by Wednesday, September 15, 1976.

Sincerely,

William M. Nichols
William M. Nichols
General Counsel

Enclosures